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VIA E-FILE AND UPS OVERNIGHT MAIL

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square, Room 2101
New York, New York 10007

Re: Wells Fargo Bank, N.A. v. Bank of America, N.A.; 1:10-09584 (JPO)

Dear Judge Oetken:

Unless the Court requests, I do not plan to again address the arguments raised in Defendant Bank of America, N.A.'s ("BofA") September 10, 2013 letter. I think they were thoroughly discussed during our telephone conference on Friday. I, however, wish to clarify any potential confusion that may arise from the calculation of outstanding indebtedness contained in my letter dated September 9. In that letter I wrote that "*the balance* of the Loan in August 2009 was \$38,689,753.48." (emphasis added). BofA asserts that the number I provided is incorrect because the "*the principal balance* of the Loan in August 2009 was \$37,179,141.00, not \$38,689,753.48." (emphasis added). While it is true that the principal balance of the Loan in August 2009 was \$37,179,141.00, it is also true that the total indebtedness outstanding on the Loan in August 2009 was \$38,689,753.48 because it included \$1,510,612.48 in interest that was owing from the borrower at that time. All of this information is in the possession of BofA. Please let me know if the Court requires any further information.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "G. Cross", written over a horizontal line.

Gregory A. Cross

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cc: Gregory A. Markel, Esq.
Jason Halper, Esq.
Colleen M. Mallon, Esq.